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SENATE, OF THE UNITED STATES.

Friday, January 8.

DEBATE

On Mr. Breckenridge's motion to repeal the act passed last session for a new organization of the JUDICIARY SYSTEM.

(Gen. Jackson's Speech concluded from our last.)

But gentlemen say the U. States embrace a vast extent of territory from 1503 to 1700 miles in length. What is the inevitable conclusion to be drawn from this fact? Why, that a system which is to apply to this extent of country, embracing different laws, and different habits, will require frequent alterations; whereas, if we are tied down to a system of inferior tribunals once formed, we cannot even touch a plan of the judicial system of the district of Columbia. Nor can we touch the inferior jurisdiction in the North-Western Territory, the Mississippi Territory, which the system seems to be adapted to, which the rights of property are implicated. It follows that whatever these rights may be, the system is fixed; and as to the Mississippi Territory, if, grounded on this doctrine, notwithstanding the claim of Georgia, her jurisdiction is totally lost. To revert to the sedition law. If the doctrine supported now were true, then, had the sedition law been incorporated as a system by itself, an inferior tribunal, and officers been attached to it, would it have been perpetually tacked to the constitution: that law under which so many of our citizens had been imprisoned, for writings & speakings, and one among others for wishing that the wadding of a gun had been lodged in a certain Presidential part.

The gentleman had dwelt on the inconveniences and evils of the old system, and had particularly condemned that part of it, which as he termed it, converted the judges into mail-boys. But, I will appeal to the gentlemen if in England, where so much more business is done, there are more than three judges, and whether those judges do not ride the circuit. And why shall our judges not ride the circuits? Shall we have six judges sitting here to decide cases which require a knowledge of the laws, the morals, the habits, the state of property of the several states?—Would not this knowledge be much better obtained by their riding the circuits, and in the states themselves making themselves acquainted with whatever relates to them, and the cases of appeals to come before them?

It has been remarked by a celebrated writer on the English constitution, that one of the greatest political evils that could befal a people was the existence of large judiciary bodies.—To illustrate his idea he had instanced the parliaments of France. If the spirit, which last session gave existence to sixteen new judges, continued, who could say by what number they would be limited. They might indeed soon become, what they had been likened to—an army of judges.

I do not wish to be severe in my remarks on the conduct of the late administration. I admire the private character of Mr. Adams. But I do believe the succession of his political acts tended ultimately to accumulate in, and attach all powers to, a particular person or favourite family.

If I wished to bestow on Mr. Jefferson this mass of patronage, which I contend this band of officers bellows, I should be in favour of the bill that it is now moved to repeal; but as a political person, I am no more for Thomas Jefferson than for John Adams. When he acts according to my opinion, right, I will support him; when wrong, oppose him; and I trust a majority on this floor will act in the same way.

A gentleman from Massachusetts has asked if suits will go on diminishing, and if the Millennium is so near at hand. Sir, different opinions are held on this subject; for some suppose the Millennium to have arrived long since, and others that it may arrive, and others again that it never would arrive; but there is one thing certain, that the more courts you have, the greater temptation there is for litigation, and more suits or rather evils will flow from them. Law itself is but a necessary evil; for if mankind were perfect—were it not for their frailties and passions, there would be no occasion for it; and lawyers are a still greater evil, altho' he admitted to be a necessary one. They seldom discourage litigious suitors, and swarm in our courts; and there are here, as well as in every other country, persons so fond of law and of practising it, that rather than not be in courts at all, they would direct their lawyers, as I have formerly told of a man who applied for advice, and was informed he had no ground of action, bring then a *pun* action. The state courts are open and competent to most of the inferior court business, and it ought to be thrown into that channel as much as possible.

With respect to the usefulness of the additional judges created by the act of last session, it was perhaps unnecessary to add any thing to what had been so ably observed by the gentleman from Kentucky. But I will state for the information of the Senate, that in the southern states of Georgia, South and North-Carolina, a ground of great litigation is removed; one which had originated at least 250 suits. Miller & Co. had obtained a patent for a ginning machine, God knew where it came from, but I believe that neither of them invented it, so as to make those states tributary to them, and embroil them in disputes. South-Carolina had purchased a patent for 50,000 dollars, and had therefore dried up this source of litigation in that state.

The recovery of British debts too was nearly over. This had been a fruitful source of litigation. Our citizens had been sued, and their late hard earnings of property had been seized to satisfy British demands, whilst their former property had been taken from them by British arms during the war.

I am surprised to hear the cry, that our liberties and the constitution are endangered, from the quarter from which it is now urged. When such remarks had been made by those gentlemen with whom I generally acted on former occasions, the instantaneous cry was against demagogues, who by artfully inflaming the passions of the people against the government, wished to break down the constitution.

A gentleman had talked about a victory meditated over the constitution. Not by the president. Not by us. By whom then was it meditated? Was it by the house of representatives? Or was it by the people themselves—that same people whom we were to save from their greatest enemy—themselves? For my part, I believe in the meditation of no such victory. Sooner, for my part, than participate in it, by voting for this resolution, if I thought it would have such a tendency, I would cut off my hand, or cut out my tongue. I respect and love the constitution, and my great wish is with father Paul, to cry out as respects it, *esto perpetua*.

Tuesday, January 12.

Mr. TRACY, of Connecticut. Feeble as I am, I have thought it my duty to offer my sentiments, on this subject. Owing to severity of indisposition, I have not been in my place, nor have I heard any of the discussion. This circumstance will be my apology, if in the remarks I shall make, repetitions shall occur on the one hand, and apparent inattention to arguments on the other.

Having been a member of this government during several years, and being impressed with the difficulties attending the formation of a judiciary system, I have thought proper to give a concise history of legislative proceedings on this important subject. Permit me to say, Sir, that the first institution of such a system must be an experiment. It is impossible to ascertain until tried, the effects of a system co-extensive with the vast territory of the United States, and which ought to be adapted to the different laws and habits of the different states.

Soon after the first law was enacted, as early as the year 1793, and I believe sooner, complaints were made of the system of circuit courts. The union then being divided into three circuits, and two of the six judges, were obliged to attend each court, if one judge failed, all the business of course was continued till the next term. Judges complained of the distance they had to travel, and suitors and lawyers complained of delays. In 1793, if my memory is correct, the law passed allowing one judge to attend with the district judge in each district, with some other modifications not important in the present view of the subject. If by reason of distance, badness of roads, sickness, or any other accident, this one judge failed of attendance, or if he and the district judge differed on any point, a delay was occasioned.

If the same judge attended the same circuit at the next term another delay, and so on, till experiment taught us, that some alteration in the system was requisite. It will be recollected that the judges had to travel over this extensive country twice in each year, and to encounter the extremes of heat and cold. Of this they complained; but this was not all; the business was not done.

At several sessions of Congress, the subjects of the circuit courts was before them; committees were appointed in both houses, and in more than one communication of the executive at the commencement of sessions, a revision of the system was recommended. I cannot on memory detail the exact particulars, or order of time; but in the speech made by the president at the opening of the session 1799, the subject is stated as follows: "To give due effect to the civil administration of government, and to ensure a just execution of the laws, a revision and amendment of the judiciary system is indispensibly necessary. In this extensive country, it cannot but happen, that numerous questions respecting the interpretation of the laws, and the rights and duties of officers and citizens, must arise. On the one hand, the laws should be executed; on the other, individuals should be guarded from oppression; neither of these objects is sufficiently assured, under the present organization of the judicial department; I therefore earnestly recommend the subject to your serious consideration." Although this subject has been recommended before, and committees had contemplated a revision and alteration of the system, I do not remember, that a bill had ever been presented to either house of Congress until 1799. In that session, a bill was reported similar in its features to the act which passed last session. It might have been acted upon in the house of representatives; of this, however, I am not confident; but I recollect it was printed, and the members of both houses had it before them; and at the last session, with some alterations and amendments, it was enacted into a law. I believe all parties wished for a revision and amendment of the system, in respect to circuit courts; the difference of opinion was principally this; some supposed an increase of the judges of the supreme court to such a number, as would render the duties of the circuit practicable for them, and provided for the completion of business, would be the best amendment; and others thought the law, as it passed, was preferable.

I acknowledge, that in deliberating upon this subject, we always assumed the principle, that the establishment of courts was important to protect the rights of the people; we did not fear an army of judges, as has been hinted by the gentleman last up, (Mr. Jackson.) In this opinion we might be mistaken, but we were honest in our professions; although some believed, that more of the business of the United States, might be confided to the state courts; yet it is not within my recollection, that the question was considered in any measure a party question. I am confident, that at the session of 1799, and for a long time before that, the friends of this law, which eventually passed last winter, could not, nor did not, contemplate any change of administration. A revision of the system was long a subject of deliberation; we believed an increase of circuit judges, to the number requisite to perform the duties, would be an inconvenient increase of the supreme court; and though it was desirable for the judges of the supreme court to see the people and be seen of them, yet, the preference was given to the system now proposed to be repealed. We supposed it would be an evil to encrease the number of judges of the supreme court to 13, 15 or 17. A court which is to act together, should not be numerous; on this subject, all men have agreed; here may be danger of an "*army of judges*," as the gentleman says; for although in Great Britain the twelve judges are sometimes called to give an opinion, yet no man will feel equal confidence in a tribunal of judges for the business of a court, consisting of many, as of few; from 3 to 5, the good sense and experience of all nations has declared to be about the proper number; and we thought it conducive to the general good, to establish tribunals in such manner, as to carry justice to the door of every man.

In this modification of the system, the jurisdiction of the circuit court has been extended, as it respects the sum in demand of which they are to take cognizance, and as it respects the disputes which arise concerning the title of lands, and exclusive jurisdiction is given of all crimes committed within 50 miles of their place of session. The intention was to ensure a prompt execution of justice, and experiment alone can test the wisdom of the plan.

I take it to be a sound rule, adopted by all wise and deliberative bodies, not to repeal an existing law, until experiment shall have discovered errors, or unless there is a vice so apparent on the face of the law, as that justice shall require an immediate destruction of it. Has there been time to gain information by experiment? No man will pretend this as a justification of the repeal; for the little time the law has been in force, so far as I have obtained any knowledge upon the subject, it has gained credit.

Another maxim in legislation I think is correct, not to give up a law in existence, which is conversant about extensive and important concerns of the community, and about which there is a necessity of enacting some law; without seeing clearly what can be substituted for it, and that the substituted has manifest advantages. This resolution leads to no result but a repeal. I have stated the errors of the former system of circuit courts, and if *expence* is an objection to the present system, which I have heard urged out of doors, the same or nearly as much must be incurred, if we increase the number of judges of the supreme court, to effect a reform in the circuit court. Why repeal this law then and leave us without any, or without any adequate to its purpose?

Is this system so very vicious, that it deserves nothing but abhorrence and destruction? It costs us a little more than thirty thousand dollars, and by it the number of circuit judges is increased to sixteen; and by it likewise is contemplated reducing the number of supreme judges to five, when it can constitutionally be done. Is the expence an object, when by that expence we extend the jurisdiction of a court over this vastly extensive growing country, and carry law and protection to every man? This country is in a singular condition, a great tract of unsettled lands is peopling with rapidity, and numerous immigrations increase our population far beyond its natural increase; is it not of importance, that courts should be located among them, early to correct the restless spirit, which is frequent in new and scattered settlements? And are not the imaginations composed of such as require the prompt assistance of the law, to preserve among them regularity? Punishment, to us, and to all good men, should be a strange work, but to prevent crimes, is the work of God. I speak to gentlemen, who have many of them graced the judges bench, and adorned the professional robe they have worn, and am therefore not obliged to be particular; that I may be understood; a word to the wise is sufficient. A judiciary in a national point of view is absolutely necessary, and an extension of it to every national purpose is equally necessary. To depend upon state courts, not under obligations, nor amenable to you, besides having as much business allotted to them by the respective state as they can accomplish, and depending upon them and not on us for existence; will require only to be mentioned, to be exploded. Locating your judges in various parts of the country, by them promulgating the national laws, which it is well known has been a subject of great difficulty, and giving them daily opportunity of mixing with people, not well disposed to order and law; may prevent disorders, and insurrections, and save millions of expence, which pecuniary saving will be the least of the important events arising from such a system.

But it will probably be said, the courts have not business to employ them; and the documents received from the executive will be produced in evidence. And it may further be said, the president has in his message, recommended a repeal of this law. The words of the message are, "the judiciary system of the United States, and especially that portion of it recently erected, will of course present itself to the contemplation of Congress; and that they may be able to judge of the proportion which the institution bears to the business it has to perform, I have caused to be procured from the several states, and now lay before Congress, an exact statement of all the causes decided since the first establishment of the courts, and of those that were depending when additional courts and judges were brought into their aid."

Is this a recommendation to repeal? Suppose for argument sake it is? Let us look at this "exact" statement. In the recapitulation, 19th page of document 8, there appears to have been instituted 8276 suits, and pending when this court went into operation, 1539. But on further inspection, it will be found that Maryland is entirely omitted; this omission is unaccountable, since the means of knowledge were so near at hand: 119 causes undecided in Tennessee; 184 in North-Carolina, and 331 in Virginia, are omitted; making in the whole an error of 5 or 600 causes. In addition to this, the number of suits in New-York are not stated correctly by the statement of the attorney when he made the return, and not one is carried out as pending in the recapitulation; and the return of Massachusetts is incorrect on its face; so that nothing more than conjecture can be derived from this "exact" statement. The president is usually more correct, and how this peremptory language in the message comports with the document, every man can see for himself. I am not disposed to attribute intentional er-

ror to any man, much leſs to the executive; but in point of uſe the ſtatement amounts to nothing, we may juſt as well imagine without it as with it, how many ſuits were pending, at the inſtitution of the new courts.

But I acknowledge that the number of ſuits pending is not in my mind any criterion upon which a correct judgment may be formed of the utility or neceſſity of courts, or to ſay the moſt of it, it forms but one ground of judging, and that not a very concluſive one. In a country thinly ſettled it is frequently as important to eſtabliſh courts, as in a more populous country; and as this government is ſituated, it may be more ſo; and yet the number of ſuits will bear no proportion. Why did we eſtabliſh courts in our territorial government but on this principle?

A number of courts properly located will keep the buſineſs of any country in ſuch condition as but few ſuits will be inſtituted; and courts badly organized will diſcourage ſuitors and there will be but few actions returned. From the number of ſuits alone, there can no ſound judgment be formed.

But there is another objection to the repeal of the judiciary law, which in my mind is concluſive; I mean the letter and ſpirit of the conſtitution.

In the formation of every government in which the people have a ſhare in its adminiſtration, ſome eſtabliſhed and indiſputable principles muſt be adopted.—In our government, the formation of a legiſlative, executive and judiciary power, is one of the incontrovertible principles, and that each ſhould be, independent of the other ſo far as human frailty will permit, is equally incontrovertible. Will it be expected, that I ſhould quote Sidney, De Lolme, Montelqueu, and a hoſt of elementary writers to prove this aſſertion? There is probably no conflict of opinion upon this ſubject. When we look into our conſtitution of government, we ſhall find in every part of it, a cloſe and undeviating attention to this principle.—Our particular form is ſingular in its requirements, that full force and operation be given to this all important principle. Our powers are limited, many acts of ſovereignty are prohibited to the national government, and retained by the ſtates, and many reſtraints are impoſed upon ſtate ſovereignty. If either, by accident or deſign, ſhould exceed its powers, there is the utmoſt neceſſity that ſome timely checks equal to every exigency, ſhould be interpoſed. The judiciary is eſtabliſhed by the conſtitution for that valuable purpoſe.

In the Britiſh government the legiſlature is omnipotent to every legiſlative effect, and is a perpetual convention for almoſt every conſtitutional purpoſe. Hence it is eaſy to diſcern the different part which muſt be aſſigned to the judiciary in the two kinds of government.—In England the executive has the moſt extenſive powers; the ſword or the military force; the right of making war, and in effect the command of all the wealth of the nation, with an unqualified veto to every legiſlative act. It is therefore rational for that nation to preſerve their judiciary completely independent of their ſovereign. In the United States the caution muſt be applied to the exiſting danger; the judiciary are to be a check on the executive, but moſt emphatically to the legiſlature of the union, and thoſe of the ſeveral ſtates. What ſecurity is there to an individual, if the legiſlature of the union or any particular ſtate ſhould paſs a law making any of his tranſactions criminal which took place anterior to the date of the law? None in this world, but by an appeal to the judiciary of the United States, where he will obtain a deciſion that the law itſelf is unconſtitutional and void, or by a reſort to revolutionary principles, and exciting a civil war.—With a view to thoſe principles, and knowing that the framers of our conſtitution were fully poſſeſſed of them, let us examine the inſtrument itſelf.—Article 3d, ſect. 1ſt. "The judicial power of the United States ſhall be veſted in one ſupreme court, and in ſuch inferior courts as the Congreſs may, from time to time, ordain and eſtabliſh.—The judges, both of the ſupreme and inferior courts, ſhall hold their offices during good behavior; and ſhall, at ſtated times, receive for their ſervices, a compenſation which ſhall not be diminiſhed during their continuance in office."—Are there words in the Engliſh language more explicit? Is there any condition annexed to the judge's tenure of office, other than good behaviour? Of whom ſhall, your judges be independent? We are led to an erroneous deciſion on this, as well as many other governmental ſubjects, by conſtantly recurring to Great-Britain.—That their courts ſhould be independent of their ſovereign is an important object; he is the fountain of honor and power, and can do no wrong; our Preſident at leaſt for ſeveral years paſt, has been conſidered the fountain of diſhonor and weakneſs, and if there was any maxim upon the ſubject, it was that he could do no right. Of courſe the great object of the independence of the judiciary muſt here have reference not only to our executive, but our legiſlature.—The legiſlature with us is the fountain of power. No perſon will ſay that the judges of the ſupreme court can be removed, unleſs by impeachment and conviction of miſbehaviour; but the judges of the inferior courts as ſoon as ordained and eſtabliſhed, are placed upon preciſely the ſame grounds of independence with the judges of the ſupreme court. Congreſs may take their own time to ordain and eſtabliſh, but the inſtant that is done, all the rights of independence attach to them.

If this reaſoning is correct, can you repeal a law eſtabliſhing an inferior court, under the conſtitution? Will it be ſaid, that although you cannot remove the judge from office, yet you can remove his office from him? Is murder prohibited, and may you ſhut a man up, and deprive him of ſubſiſtence, till he dies, and this not be denominated murder? The danger in our government is, and always will become reſtive, and perhaps unintentionally break down the barriers of our conſtitution. It is incidental to man, and part of our imperfections, to believe that power may be ſafely lodged in our hands. We have the wealth of the nation at command, and are inveſted with almoſt irreſiſtable ſtrength; the judiciary has neither force nor wealth to protect itſelf. That we can with propriety modify our judiciary ſyſtem, ſo that we always leave the judges independent, is a correct and reaſonable poſition; but if we can, by repealing a law, remove them, they are in the worſt ſtate of dependence.

I have exhauſted myſelf, and I fear, the patience of the Senate, and regret exceedingly that my indiſpoſition prevented me from a better preparation upon this important queſtion. I have attempted to ſhow, that the eſtabliſhment of a judiciary ſyſtem for this country is, and muſt be attended with difficulties, and that the legiſlature have taken ſuch meaſures as to a majority of them appeared moſt reaſonable, after much attention to the ſubject, to cure the evils of the old ſyſtem, by the ſubſtitution of a new ſyſtem.

And let it be remarked that the law now under conſideration, although it modified our courts, is ſtrictly guarded againſt a violation of the principles I have here contended for. The Supreme Court is to conſiſt of but five judges after the next vacancy ſhall happen; and the diſtrict judges of Tenneſſee and Kentucky are aſſociated with a circuit judge, to perform the duties of circuit judges which duties it is well known they performed ever ſince the diſtrict courts were eſtabliſhed; and in the clauſe which increaſes their ſalaries they are ſtyled the Diſtrict Judges; and all the alterations made in their circumſtances, is, an increaſe of duty, and of ſalary. I have attempted to ſhew the primary neceſſity of rendering the judiciary of this confederated government, completely independent, not only of the executive, but eſpecially ſo of the legiſlature.

And by adverting to the words of the inſtrument itſelf, I have attempted to ſhow, that the judiciary are ſecured, ſo far as words can do it, as well from a circuitous removal, by repealing the law conſtituting the court of which they are judges, as by any diſtrict removal.

I am ſtrongly impreſſed with the magnitude of this ſubject; perhaps the whims of a ſick man's fancy have too much poſſeſſed me, to view it correctly; but Sir, I apprehend the repeal of this law will involve in it the total deſtruction of our Conſtitution. It is ſupported by three independent pillars; the legiſlative, executive and judiciary; and if any rude hand ſhould pluck either of them away, the beautiful fabric muſt tumble into ruins.

The judiciary is the centre pillar, and a ſupport to each by checking both; on the one ſide is the ſword, and on the other the wealth of the nation; and it has no inherent capacity to defend itſelf. Theſe very circumſtances united, may provoke an attack, and whichever power prevails ſo far as to veſt in itſelf directly or indirectly the power of the judiciary by rendering it independent; it is the preciſe definition of tyranny, and muſt produce its effects. The Goths and Vandals deſtroyed not only the government of Rome, but the city itſelf; they were ſavages, and felt the loſs of neither; but if it be poſſible there can be an intention, like the ſon of Manoah, with his ſtrength, without his godlineſs, to tumble the fabric into ruins let it be remembered it will cruſh in one undiſtinguiſhed ruin, its perpetrators, with thoſe whom they may call their political enemies.

I muſt earneſtly entreat gentlemen to pauſe and conſider; I apprehend the repeal of this act will be the hand writing on the wall, ſtamping *Mene Tekel* upon all we hold dear and valuable in our conſtitution. Let not the imputation of inſtability, which is caſt upon all the popular bodies, be verified by us; in adopting laws to day, and repealing them to-morrow, for no reaſon, but that we have the power, and will exerciſe it.

This conſtitution is an invaluable inheritance? if we make inroads upon it and deſtroy it, no matter with what intentions, it cannot be replaced, we ſhall never have another.

Wedneſday, January 13,

Mr. Maſon, of Virginia.—I feel ſome degree of embarraſſment in offering my ſentiments on a ſubject ſo fully and ſo ably diſcuſſed. I believe that the ground taken by my friend from Kentucky has not been ſhaken by any arguments urged in oppoſition to the reſolution on the table. Yet as ſome obſervations have been made calculated to excite ſenſibility not here, but abroad; as they appear to have been made with a view to that end; and as an alarm has been attempted to be excited on conſtitutional ground, I think the obſervations ought not to go unnoticed.

I agree with gentlemen that it is important in a well regulated government that the judicial department ſhould be independent. But I have never been among thoſe who have carried this idea to the extent, which ſeems at this day to be faſhionable. Though of opinion that each department ought to diſcharge its proper duties free from the fear of the others, yet I have never believed that they ought to be independent of the nation itſelf. Much leſs have I believed it proper, or that our conſtitution authorizes our courts of juſtice, to control the other departments of the government.

All the departments of a popular government muſt depend in ſome degree on popular opinion. None can exiſt without the affections of the people, and if either be placed in ſuch a ſituation as to be independent of the nation, it will ſoon loſe that affection which is eſſential to its durable exiſtence.

Without, however, going into an enquiry of what kind of organization is moſt fit for our tribunals, without enquiring into the fitneſs of making the judges independent for life, I am willing to enter into a conſideration, not of what ought to be, of what is. Whatever opinion I may individually entertain of the proviſions of the conſtitution, relative to the judiciary, ſitting here under that conſtitution, I am bound to obſerve it as the charter under which we are aſſembled.

When I view the proviſions of the conſtitution on this ſubject, I obſerve a clear diſtinction between the ſupreme Court, and other courts. I am ſenſible that when we come to make verbal criticiſms, any gentleman of a ſportive imagination may amuſe our fancies by a play upon words. But this is not to get rid of a genuine conſtruction of the conſtitution. With regard to the inſtitution of the Supreme court the words are imperative; while with regard to inferior tribunals they are diſcretionary. The firſt *ſhall*; the laſt *may* be eſtabliſhed. And ſurely we are to infer from the wiſe ſages that formed that conſtitution, that nothing was introduced into it in vain. Not only ſentences, but words and even points elucidate its meaning. When, therefore, the conſtitution, uſing this language, ſays a ſupreme court *ſhall* be eſtabliſhed, are we not juſtified in conſidering it as of conſtitutional creation; and on the other hand, from the language applied to inferior courts, are we not equally juſtified in conſidering their eſtabliſhment as dependent upon the legiſlature, who *may* from time to time ordain them, as the public good requires. Can any other meaning be applied to the words "from time to time?" And nothing can be more important on this ſubject than that the legiſlature ſhould have power from time to time, to create, to annul, or to modify the courts, as the public good may require—not merely to-day, but forever; and whenever a change of circumſtances may ſuggeſt the propriety of a different organization. On this point, there is great force in the remark of the gentleman from Georgia, that among the enumerated powers given to congreſs, while there is no mention made of the ſupreme court the power of eſtabliſhing inferior courts is expreſsly given. Why this difference, but that the ſupreme court was conſidered by the framers of the conſtitution as eſtabliſhed by the conſtitution; while they conſidered the inferior courts as dependent upon the will of the legiſlature.

We find the phraſe from *time to time* in another part of the conſtitution. The 3d ſect. of the 2d art. ſays the preſident ſhall, from *time to time*, give to the congreſs information of the ſtate of the union. That is he ſhall occaſionally, as he ſees fit, give ſuch information. So ſhall congreſs occaſionally, as they ſee fit, eſtabliſh, annul or regulate inferior courts, accordingly as the public welfare requires.

The arguments of gentlemen go upon a miſtaken principle. They expreſs the livelieſt ſympathy and commiſeration for this *poor, this weak* department of the government. They tell us the judges have a veſted right to their offices, a right not *now* derived from the law, but from the conſtitution; and they aſſimilate their caſe to that of a public debt; to the right of a corporation; a turnpike company, or a toll bridge. But is not all this reaſoning predicated on the principle that the courts are eſtabliſhed, not for the public benefit, but for the emolument of the judges; not to promote the intereſts of the people, but to further the intereſts of the judges; not to adminiſter juſtice, but for their perſonal aggrandizement. I believe that a government ought to proceed upon different principles. It ought to eſtabliſh only thoſe inſtitutions which the good of the community requires; when that good ceaſes to need them, they ought to be put down, and of conſequence the judges ſhould hold their appointments ſo long and no longer, than the public welfare requires.

If the arguments now urged be correct, that a court once eſtabliſhed cannot be vacated, we are led into the greateſt abſurdities. Congreſs might deem it expedient to eſtabliſh a court for particular purpoſes limited as to its objects or duration. For inſtance, the United States has taken poſſeſſion of the Miſſiſſippi Territory, rightfully or not I will not pretend to ſay. This territory has been heretofore in the hands of various maſters, viz. France, England, Spain and Georgia; and it is now poſſeſſed by the United States. All theſe governments, except the United States, made certain grants of land in the territory, and certain ſettlers ſpread their conflicting patents over the country. Theſe different titles will open a wide field for litigation, which will require able tribunals to decide upon. Suppoſe then Congreſs ſhould eſtabliſh ſpecial tribunals to continue for three, four or five years, to ſettle theſe claims. Judges would be appointed. They would be the judges of an inferior court. If the conſtruction of the conſtitution now contended for be eſtabliſhed, what would the judges ſay, when the period for which they were appointed expired? Would they not ſay we belong to inferior courts? Would they not laugh at you when you told them their term of office was out? Would they not ſay, in the language of the gentleman from New-York, though the law that creates us is temporary, *we are in by the conſtitution*? Had we not heard this doctrine ſupported in the memorable caſe of the mandamus, lately before the ſupreme court? Was it not there ſaid that though the law had the right to eſtabliſh the office of a juſtice of the peace, yet it had not a right to abridge its duration to five years; that it was right in making the juſtices, but unconſtitutional in limiting their periods of office; that being a *judicial* officer he had a right to hold his office during life, or what is about the ſame thing, during good behaviour, in deſpite of the law which created him, and in the very act of creation limiting his official life to five years.

I may notice another caſe, more likely to happen, to ſhew the abſurdity of this conſtruction. Congreſs have aſſumed juriſdiction over the Miſſiſſippi Territory, and have eſtabliſhed a court compoſed of three judges, which court is as much an inferior court as the circuit or diſtrict courts. Of this juriſdiction Georgia denies the validity. The conteſt is in a train of ſettlement.—Suppoſe it ſhall turn out that the United States are convinced of the injuſtice of their claim, relinquiſh it, and reſtore the territory to Georgia, what becomes of the judges? Their offices, their duties are gone! Yet they will tell you we are veſted with certain conſtitutional rights of which you cannot deprive us. It is true the territory is no longer yours. You have no juriſdiction, and we have no power; yet we are judges by the conſtitution. We hold our offices during good behaviour, and we will behave well as long as you will let us. Is not this a ſtrange ſituation? You have judges in a territory over which you have no juriſdiction; and you have officers which are perfect ſinecures, penſioners for life. Such an abſurdity I am ſure the conſtitution never meant to juſtify. It is an abſurdity equally repugnant to the letter and the genius of the conſtitution.

Suppoſe another caſe. Suppoſe what I truſt will never happen, a war ſhould take place. Suppoſe that a part of the United States ſhould be conquered, and that we ſhould be compelled to cede it to a foreign nation. In this diſtrict your juriſdiction is gone; your power is gone; the office of a judge is deſtroyed, and yet the officer holds his appointment for life: This caſe may be conſidered as inapplicable to the United States. It may be ſaid that we have no right to cede a ſtate or a part of a ſtate. But I believe a different ſentiment has been entertained, and perhaps in this houſe.

But ſuppoſe this event to occur in relation to territory not attached to a ſtate. Suppoſe the government ſhould find it neceſſary to eſtabliſh an inferior court in an iſland of Lake Superior. Suppoſe it ſhould be the fortune of war to place in the poſſeſſion of the enemy, one of the ſtates; and the queſtion ſhall be, will you give up this territory in the frozen regions of the lakes, or ſuffer the ſtate to remain in the poſſeſſion of the enemy, you being unable to take it from him? If you give up the territory, your court is annihilated, yet the judges claim a tenure in their offices for life; and this in a country that no longer belongs to you—does not ſuch a reſult ſtrike every mind as abſurd? Is it not apparent, that whatever claim ſuch men might have upon the generoſity of the government, they can have no claim to offices that do not exiſt. Nay, further; it might upon the conſtruction now contended for be inſiſted, that the conſtitution forbids you to make a peace upon thoſe terms; that by ceding an inconſiderable territory which you did not want to ſecure a whole ſtate, you would aboliſh the office of a judge, which the legiſlature had there erected; that this would be an expreſs violation of your conſtitution; and therefore you muſt leave a whole ſtate in the poſſeſſion of the enemy, unleſs this judge would give you leave to make terms by reſigning his office.

I believe, ſir, that we ſhould not differ much, if we came to a proper underſtanding of the true principle on which this queſtion depends. If we eſtabliſh the principles, that from the nature and eſſence of public inſtitutions, they are made for the good of the people, and not for that of the individual who adminiſters them, we ſhall experience no difficulty, Gentlemen, in ſpeaking of a judge, had emphatically called it *his* office. But, it is not *his* office, but the office of the people. He is only the perſon appointed to perform certain ſervices required by the public good, and when thoſe ſervices are no longer neceſſary for that public good, his duties are at an end, his ſervices may be diſpenſed with, and he ought to retire to private life.

The caſe had been aſſimilated to a bridge. But he who builds a bridge does a public good, that entitles him to a growing remuneration for ever. But here the good is temporary. The truth is, the judge is more like the man who collects the toll, and who receives the promiſe of an annual payment, as long as he diſcharges his duties faithfully. But a flood comes, and ſweeps away the bridge; will the toll gatherer, like the judge contend, that though the bridge is gone, and the owner ruined, that he ſhall notwithſtanding receive his compenſation for life, though he cannot continue thoſe ſervices for which his annual ſtipend was to be the compenſation and reward.

But it would ſeem, that the argument urged on this occaſion, and the general courſe of our legiſlation had been grounded more on the convenience and emoluments of thoſe appointed to office, than on grounds of public utility. Firſt we appointed ſix judges of the ſupreme court, divided the United States into three circuits, two judges to ride each circuit, in which with the diſtrict judge to form a court. The law fixed the duties and the compenſation, and gentlemen of the firſt character were ready to accept the places. The ſalaries indeed had been then thought high; in ſome parts of the Union they were thought enormous. But a little time paſſed before they complained of the hardſhips of their duties; and the law was altered, not ſo much for public good, as for their perſonal convenience. Where two judges were required to hold a court, one was now declared ſufficient. Thus you continued their full ſalaries, while you lopped off half their duties. Shortly after you aſſigned them under the penſion law, inconſiderable duties; and they refuſed to perform them. Thus while they ſhewed themſelves ready to abate of their duties, they adhered to their ſalaries. Next came the law of laſt ſeſſion which takes away all their duties. It leaves them ſimply a court of appeals. And what have they got to do? To try 10 ſuits; for ſuch is the number now on their docket, as appears from a certificate

just put into my hands; and the average number on their docket amounts to from 8 to 10. Thus for the trial of the immense number of 8 or 10 suits, you have 6 judges, one with a salary of 4,000, and 5 others with salaries of 3,500 dollars each.

[Mr. Mason's speech to be concluded in our next.]

TUESDAY, January 19, 1802.

The Senate resumed the consideration of Mr. Breckenridge's motion, when Messrs. White, Chipman, Wells, and Calhoun, delivered their sentiments against it.

Mr. Calhoun, at the close of his speech, moved the substitution of a resolution for the appointment of a committee to enquire whether any, and what amendments are necessary to be made in the federal judiciary system.

The Vice-President declared that it was not in order to receive a new resolution, until the old one was disposed of.

Mr. Dayton then moved to amend the resolution of Mr. Breckenridge, by striking out "repealed," and inserting, "revised and amended."

On which amendment the yeas & nays were called; and were, yeas 13—Nays, 15. As they were the same as on the main question, it is useless to state them.

The question was then taken on the original motion, for the repeal of the judiciary Act of the last session, and carried—Yeas 15 Nays 13.

YEAS. Messrs. Anderson, Baldwin, Breckenridge, Brown, Cocke, Ellery, T. Foster, Franklin, Jackson, Logan, S. T. Mason, Nicholas, Stone, Sumter, Wright.

NAYS. Messrs. Calhoun, Chipman, Dayton, D. Foster, Hillhouse, Howard, Morris, J. Mason, Olcott, Sheaf, Tracy, Wells, and White.

Extract of a letter from a respectable character in Kingstown, Jamaica, dated Dec. 8, 1801.

"We have lately received an augmentation of five sail of the line, & some more are expected; and 35 000 men more may be expected in all this month, to attempt a landing at Hispaniola."

AMERICAN CONSULATE.

Havanna, December 25, 1802.

CIRCULAR.

Sir,

By an order of the government of this island, published this day, the admission of American, and all other foreign vessels into its ports, is prohibited from this date.

You will be pleased, sir, to give immediate publicity to this information for the government of the merchants and traders of your district.

I remain, sir,

Your most obedient servant,

JOHN MORTON,

Consul of the United States.

The Collector of the port of Baltimore.

LETTER

From the Secretary of War, accompanying a statement of the present military establishment of the United States.

WAR DEPARTMENT,
23d Dec. 1801.

SIR,

In obedience to the resolution of the house of representatives, of the 22d inst. I have the honor of transmitting herewith a statement of the present military establishment of the United States (marked A) and an estimate of all the posts and stations for which garrisons will be expedient, and of the number of men requisite, in my opinion, for each garrison (marked B) and request you to lay the same before the house.

I have the honor of being,

With respectful considerations,

Sir,

Your very obedient serv't.

H. DEARBORN.

The Hon. the Speaker of the House of Representatives.

The army of the United States, according to the statement of the secretary, actually consists of one brigadier general, one quarter master general, one pay master general, one inspector of the army, one inspector of artillery, one division quarter master, two brigade inspectors, one aid-de-camp, one judge advocate, four lieutenant colonels commandant, fifteen majors, sixty-eight captains, eighty-nine first lieutenants, thirty-one second lieutenants, six paymasters, six quarter masters, six adjutants, six surgeons, seven surgeon's mates, nine cadets, twelve sergeant majors, eleven quarter master sergeants, five senior musicians, two hundred and thirty-four sergeants, two hundred and twenty-two corporals, fifty-nine drummers, forty-seven fifers, one trumpeter, one hundred and thirty three artificers, three thousand five hundred and five privates, making an aggregate of four thousand and sixty-one. There is wanting to complete the present military establishment an aggregate of 1384 officers and privates, that establishment containing when complete 5433 persons.

The army now consists of

General staff officers,	10
Dismounted cavalry,	160
First regiment of artillerists and engineers,	694
Second regiment of artillerists and engineers,	936
First regiment of infantry,	502
Second regiment of infantry,	686
Third regiment of infantry,	494
Fourth regiment of infantry,	625
Total,	4,051

REPORT ON NAVY FUND.

The Secretary of the Navy, the Secretary of the Treasury, and the Secretary of War, Commissioners under the "Act for the better government of the United States," *respectfully report to Congress:*

That since the 29th of Nov. 1800, the date of the last report of the board, the sum of 54,878 51-100 dollars accruing to the United States from the sales of prizes, has been applied to the purchase of stocks of the funded debt of the United States, as exemplified in the statements herewith, No. I. II. which stocks, together with all those stocks previously purchased, are placed on the books of the treasury to the credit of the commissioners, as per statement No. III. These stocks produce an annuity of 5,688 44 100 dollars. The gross amount of interest and dividends accruing from the time when they were purchased to the end of the present year, is 5,237 69 100 dolls. as per statement No. IV.

That the pensions of the persons placed on the invalid list of the naval establishment amount to an annual sum of 1604 80-100 dollars, and that the aggregate of all those which either have been paid, or are payable to the end of the year 1801, amounts to the sum of 1730—28-100 dollars, as per statement No. V. which deducted from the gross amount of interest and dividends as above, will leave a balance unapplied of 3,507 41-100 dollars. There are, however, several applicants to be placed on the list, whose cases have not been decided on, and it is presumed that other cases will occur. But taking into view all circumstances, the commissioners entertain the opinion that the present stocks of the fund are sufficient to meet all the cases contemplated by the act.

For and in behalf of the board,

RT. SMITH.

Navy Department,
31st Dec. 1801.

From the Washington Federalist, of January 19 1802.

Yesterday, in the Senate, the resolution of Mr. Breckenridge was further discussed. Messrs. Wells, White, Chipman and Calhoun, spoke against it. Mr. Calhoun is a new member from South-Carolina, and has been considered as a democrat, though we have many reasons for supposing him a republican. We have witnessed but seldom a speech more fraught with reason, with moderation and sound arguments, than that of Mr. Calhoun. At the close of his speech, after having added many new arguments to prove the unconstitutionality and inexpediency of adopting the resolution, he offered another resolution, the substance of which was to have a commitee appointed to see whether any and what alterations are necessary in the federal judicial system. Mr. Calhoun grounded the propriety of this resolution by observing, that, for his own part, he conceived the direct repeal of the law past last winter as a violation of the constitution, that the Senate were themselves nearly equally divided in their opinions whether this repeal were or not, a violation of the constitution; that thousands and thousands out of the Senate, whatever might be their political sentiments, were of the same opinion; that it appeared to be the wish of those who favored the repeal of the law of the last session, to make alterations and amendments, and that the resolution he would offer would subserve every purpose wished by them, and would save the constitution.

Mr. Burr then informed Mr. Calhoun that such a resolution would not then be in order. Mr. Dayton obviated this difficulty by proposing an amendment to the resolution of Mr. Breckenridge, by striking out the word *repeal*, and inserting the words *revise* and *amend*. The yeas and nays were demanded on this amendment, when there appeared in favor of the amendment,

Messrs. Chipman, Calhoun, Dayton, D. Foster, Hillhouse, Howard, Jonathan Mason, Morris, Olcott, Sheafe, Tracy, Wells, White—13.

Against it—Messieurs Anderson, Baldwin, Breckenridge, Brown, Cocke, Ellery, T. Foster, Franklin, Jackson, Logan, S. T. Mason, Nicholas, Stone, Sumpter, Wright—15.

On the main question, whether the resolution should be agreed to, the yeas and nays were exactly reversed.

For the present we shall only say, that we conceive it to have been highly honorary to Mr. Calhoun to have washed his hands from this murder of the constitution: the amendments to the resolution would have answered every purpose, *pretended to be wished* by the advocates of the resolution, yet was it rejected. The constitution is now a mere old woman's story; its evanescent authority will soon be forgotten.

A bill was brought in to repeal the law of the last session, which will probably undergo *much* debate in the Senate, and *more* in the house, the expence of which to the U. States will probably be three times as much as the pretendedly unnecessary expences of the newly established Judiciary. We forbear at present—the time will soon be here when such comments on this funeral of our constitution will be read, as are written in blood.

From the National Intelligencer of January 20, 1802.

The Debate in the Senate on the interesting subject of the judiciary has at length closed; and that body have decided, that it is *expedient* to repeal the act of the last Session, and have by implication also decided the constitutional power of the legislature to vacate all judicial appointments made under that part of the constitution, that authorises the erection of inferior tribunals.

The decision will be a memorable one, as well from the importance of the point decided, as from the cool, dignified, and enlightened deliberation by which it was reached.

It will be memorable, too, for the style in which gentlemen on each side conducted the discussion. It was opened by Mr. Breckenridge, in a speech addressed exclusively to the understanding. Resting the subject upon facts, and fair inference, he sunk into no needless appeal to the passions or prejudices of his hearers, or the nation. For he did not pretend to say, that, though he directly addressed the Senate, his arguments were exclusively intended for them. He knew, that after accomplishing their due effect with the legislature, they would go to the nation, to be by them confirmed or reversed. Nor does his respect appear to have been the least impaired by the thought. Nay, if we may judge, from the temperate and argumentative style he adopted, his respect was augmented by this consideration. His speech, therefore, was, as we have already stated it, a pertinent speech. It neither descended to common place declamation, nor soared into the lofty and obscure regions of romance. It addressed itself entirely to the reasons. We hesitated not, therefore, to call it a *chef de ouvre* in parliamentary annals; and we predicted, what experience has verified, that it would be the text that would regulate the debate.

Mark the contrast. Among those, who followed Mr. Breckenridge, we must be permitted to throw Mr. Morris into the most prominent view. To his speeches, therefore, our remarks will be particularly applied, though, in the general, they equally applied to the style of the other gentlemen on his side.

Scarcely were the provisions of the constitution on the point under discussion read, than a cry of "invasion of the constitution, and the threat of a dissolution of the Union," were echoed and re-echoed in every shape that ingenuity could devise, or eloquence embody. The crisis approached, when the people left to themselves would become their greatest enemies, and when every honest man would fly our shores!—The fall of other States, to whom the principle of representation was unknown—was depicted with subduing pathos; and the glowing portrait of the United States, the only genuine republic that ever existed, hurled into ruin by an imitation of the states of Greece, was drawn with the most exquisite colourings of the fancy. The heart of the hearer was struck at, and we saw tears trickle down the cheeks of a representative of the people.

We pronounced the speech of Mr. Morris one of the most splendid specimens of eloquence ever delivered in a deliberative assembly. The verdict of others of more enlarged observation, has fully justified our remark.—But as to argument we said nothing, nor shall we now say any thing. We are perfectly willing to let the nation apportion its admiration, according to its estimate of the relative value of intellect and fancy: the former of which may be compared to the valuable though unostentatious iron of our mountains; while the latter may not inaptly be likened to the useless, though brilliant lustre of the diamond, extracted from foreign climes.

To the nation be the appeal, who has the rightful side; let them decide whether it belongs to those who are for hurrying the feelings into imaginary fears; or to those who, building their foundation on the understandings of men, erect an edifice that no storm of party can shake.

Memorable this discussion will ever be, if the people, with becoming vigilance mark their enemies from their friends. On what depends their happiness? On their union.—Who are for prostrating this happiness, if they are not, who, as soon as their political views are thwarted, cry out *a dissolution! a dissolution!* Were these exclamations meant for the winds? No; they were meant for the people. Let the people, then, hear, and remember; and let them on this, and on all other occasions, mark that representative of the people, whoever he is, whether federal or republican, who holds out a threat so dangerous to their peace.

Pursuant to the last will and testament of Mr. Thomas Fox, dec'd will be sold at King William Courthouse, on Monday the 22d day of March next, if fair, if not, the next fair day, two valuable

Tracts of Land,

IN said county, lying on Matapony River, 2 miles from Frazer's Ferry, 10 from said court house, and thirty from Richmond, adjoining the lands of Messrs. Francis Dandrige and John Perrin, dec'd. One tract containing 277 acres, a sufficiency of which is well stocked with timber, and the balance is opened for cultivation. The other tract adjoining contains 73 acres, all of which is well timbered; both of these tracts lay level and the soil is of the first quality, there is annexed to them a very extensive and valuable marsh, supposed to contain 3 or 400 acres, from which may be supported a large stock of hogs and cattle at little or no expence. It is a beautiful seat and commands an extensive prospect of the river above and below, and affords plenty of fish and wild fowl—these advantages, together with the facility of conveying produce to market, render these lands very valuable. A credit till the first day Jan. next, for one half of the money, and till the first day of January 1804, for the other half, will be allowed on giving bond with approved security to

W. B. WALLACE, *Executor.*

January 12, 1802. 12f4t‡

Mrs. Booth, & Co.

RESPECTFULLY acquaint their friends and the public that they continue the Millenery and Mantua Making Business as formerly carried on by Mrs. Boyce, and solicit a continuance of their favors.

Mrs. Booth resides in the house lately occupied by Mrs. Boyce, near the Market and begs leave to add, that every article will be finished in the neatest and most fashionable manner. New HEAD-DRESSES always on hand. Bonnets from two dollars upwards.

Richmond, Jan. 23d, 1802. [4t‡]

The Virginia Gazette.

—RICHMOND—

TUESDAY, JANUARY 26, 1802.

The secretary of the navy has received a letter from commodore Dale, dated Malga Bay, 7th November, 1801, which makes no mention of the capture of a boat belonging to the American squadron, stated in several papers to have been upset.

On Tuesday last a detachment of 27 Marines under the command of Lieutenant Hall proceeded from Washington for the Constellation in the Delaware—one of 22 under Lieutenant Howard, for the Enterprize at Baltimore, and on Wednesday another of 47 under Capt. Carmick for the Chesapeake, at Norfolk.

The reader is requested to correct an error of the press in General JACKSON's speech on the Judiciary debate; and to read in the 57th line, of the 3d column of our paper of Friday last, "*volition* to act," instead of "*coalition* to act."

COMMUNICATION.

"DIED, at St. Mary's, (Georgia), on or about the first of October last, Mr. JOHN HAY, late merchant from Richmond. Mr. Hay arrived at St. Mary's about a week before his sickness, which was so violent that it deprived him of life the fifth day. It affected him in such a manner as to make him delirious, and by the second day of his indisposition, he could give very little information of his friends or business. The brothers of the Masonic Fraternity took charge of the body, formed into a procession, and interred it in a decent and respectable manner."—The friends and relatives of Mr. Hay may learn further particulars on application at this Office.

A SHAD, caught in James River, and weighing three or four lbs. was yesterday exhibited in our Market for sale. It commanded the exorbitant price of 84 cents.

NOTICE.

I SHALL leave this place for a few weeks. My business will be attended to by Mr. JAMES THOMPSON, until I return.

Josiah Dickson.

Richmond, January 22d, 1802.

Forty Negroes

Will certainly be Sold, for Cash, at public auction, in the town of Lynchburg, the 10th day of February next.

THE whole of these negroes were raised in Amherst county; they are very likely, consisting of Men, Women, Boys and Girls, among them is one valuable waterman.

JOHN WARWICK.

Lynchburg, Jan. 16, 1802. (3w)

10 Dollars Reward.

RUNAWAY from the subscriber in Amherst county, on the 16th inst. a negro woman called KITTY, about 24 or 25 years of age, common size; she took with her several different kinds of cloathing, therefore it is deemed unnecessary to describe her dress; she is of a yellowish complexion and has worn earrings, the holes of which may now be discovered upon close examination. Probably she may be in or about Richmond, where I presume she has many acquaintances as she formerly belonged to Mr. James Wardrope, who lives about 7 miles below Richmond. The above reward will be given to any person who will apprehend and secure her so that I get her again.

JOHN HUTCHESON.

January 24th, 1802. (4w)

AT A CONVOCATION

Of the Visitors and Governors of William and Mary College, held at the Council Chamber, within the said College, the 25th day of November, 1801.

THE Convocation, taking under consideration the state of the GRAMMAR SCHOOL in the said College, came to the following Resolutions thereupon:

Resolved, That the hours of attendance in the Grammar School, from the first of May to the first of October, be, in the morning, from 6 o'Clock to 8, and from 9 to 12; and from 2 to 5 in the evening: And that the hours of attendance from the first of October to the first of May, be, in the morning, from 7 to 8, and from 9 to 12; and from 2 to half past 4 in the evening.

Resolved, That a committee, consisting of three members of the Convocation, be appointed, whose duty it shall be, as often as they may deem necessary, but at least once in every month, to visit the Grammar School during the hours of tuition in the said School, and report to the Convocation the state of the School, and suggest any alterations which the said committee, or the Professor of Humanity, may think necessary for the more beneficially conducting of the same.

Resolved, That a public examination of the youth in the said School shall be made once in every three months, in the presence of the Professors of the said College, such members of the Congregation, and of such other persons as may choose to attend the same.

Resolved, That there be read in the School of Humanity [illegible] English books, as to the President [illegible] Professors, or Masters, shall seem proper; that Writing and Arithmetic, Geography and History, be taught therein, and that the afternoon of each day be appropriated to instruction in one or other of those branches."

[3w.]

THE SUBSCRIBER

Informs the Public, that the noted Horse

OLD DARE DEVIL

Will stand the ensuing season at his house in Chesterfield county.

Thomas Goode.

January 12, 1802. [tawtf]

The Subscriber,

WILL receive PROPOSALS until the 30th inst. for supplying at the Manufactory of Arms, near the city of Richmond,

One Hundred Rations, daily,

or as they may be required, for one year. The delivery of said Rations, in such quantity as may be required, to commence on or about the 15th March next. A list of

Robert Gamble.

Richmond, 7th Dec. 1801.

A FEW BARRELS

Superfine Flour,

MADE of thrashed White wheat, recommended for private use, FOR SALE, by

Samuel Parsons.

18 Month 7th, 1802.

FOR SALE,

A family of about

15 SLAVES,

CONSISTING of strong and healthy young men, women and children. Apply to the printer.

Richmond, Dec. 3, 1801.

Robert Gordon, & Co.

HAVE FOR SALE,

A GENERAL ASSORTMENT OF

GOODS,

Received by the the America, from Liverpool, and Courtney, from London:

AMONGST WHICH ARE,

A variety of coarse Woollens,
Superior quality Spanish Wool,
Superfine Cloths and Cassimeres,
Swandowns,
Manchester Stuffs,
Bombazetes, Corduretts, Durants,
Fine & coarse Hats,
Muslins, Dimities,
Fine Irish Linens,
Cambricks,
Silk, Cotton & Worsted Hosiery,
Calicoes, Chintzes,
Camel's Hair, and Cotton Cambrick Shawls,
Veils,
Silk Handkerchiefs, for Turbans,
Lady's Half boots & Shoes,
Fowling Pieces and Pistols,
Jewellery, Plated Ware, Ironmongery, and Hardware.

They have within these four weeks, received by the Helvetic, from Madeira, for Sale, in Pipes, half and quarter Pipes, a supply of the very best quality WINE, which they can particularly recommend.

They have, also, a large Stock of India cottons, Bandannas & Lutstrings; Brown & Loaf Sugars; Port and Sherry Wines; Old Rum, and French Brandy; Imperial, and Young Hyson Teas; Nail Rods; Bar Iron; Steel; Paints, & Oil, &c. &c.

Richmond, October 26, 1801.

FAIRFAX COUNTY, *sc.*

WAS committed to the Jail of this county, on the 15th day of October last, a negro man, as a runaway, who calls himself

DICK;

Says he belongs to GROVES HARRIS, of Prince Edward county, Virginia. He is about 30 years of age, 5 feet 6 or 8 inches high, had on when committed to jail, a white Negro cotton great coat, an old felt hat, his other clothes so much worn as not to be describable. The owner is requested to come forward, prove property and pay charges, otherwise he will be proceeded with as the law directs.

WILLIAM MILLAN, D. S. & Jailor,
Fairfax Jail, Nov. 13, 1801. 3m

E. W. ROOTES,

HAS FOR SALE,

Antigua Rum, by the Hhd.
Holland Gin, by the Pipe;
Cotton Cards, by the Box, assorted;
Philadelphia Porter, by the Barrel, of 3 doz. bottles.
Candles, by the box;
2d 3d 4d 5d and 6d Nails, by the barrel;
20 Tons Swedish Iron, assorted.
Excellent Madder, by the Cask;

AND A GENERAL ASSORTMENT OF

SHOES.

Richmond, September 26, 1801.

Peach & Apple

BRANDY

For Sale by the barrel.

E. W. Rootes.

Richmond, Dec. 21, 1801.

FOR SALE,

THE AMERICAN EDITION OF THE

ENCYCLOPEDIA,

Neatly bound in Calf, gilt and letter'd, eighteen volumes, compleat;

containing five hundred and forty-two ELEGANT COPPER PLATES.

For terms apply to

Ninian Wyse,

Near the Barracks.

Richmond, January 12, 1802.

NOTICE.

The Subscribers have formed a Commercial connexion, under the firm of

Long and Crews.

THEY will be principally concerned in the purchase of Country Produce.

Should any business be offered in the Commission Line, it will meet due attention from *Thomas Crews*, residing in Lynchburg, and *Will. Long*, here.

Their Office is on the second story above Messrs. ELLIS & ALLAN's Store.

Will. Long,
Thomas Crews.

Richmond, Jan. 1st, 1802.

CASH

GIVEN FOR

TOBACCO,

AT the second house below the Eagle Tavern, by

John Richard, & Co.

Richmond, Nov. 19, 1801.

FOR SALE,

10223 *Acres of Land,*

ON the waters of Great Sandy River, each side of Louisa Fork, Russel County, surveyed in February, 1795, and originally granted by patent to Richard Smith and Henry Banks.

This valuable tract will be put up for sale, at public auction, in Baltimore, on the 15th day of March next, and for the convenience of purchasers will be parceled out in lots of 10,000 acres each. The terms of payment will be one fourth cash, the remainder in 3 equal payments, every 4 months. The titles, in every respect, are indisputable. For other information and particulars enquire of *Lewis Pascault* or *Henry Massonier*, in Baltimore, or of *Joseph Gallego*, in Richmond.

December 25th, 1801. (ep tr8M

William Temple,

Has Imported by the latest arrivals from London & Liverpool,

A GENERAL ASSORTMENT OF

MERCHANDIZE,

Which he will dispose of low, by the PIECE or PACKAGE.

He has also just received the following Articles, for sale.

5 PIPES,
10 Hogsheads,
8 Qr. Casks,
} Genuine Old Port WINE.
3 Pipes Madeira Wine;
1 Hhd. Old Antigua Rum, 4th Proof;
10 Tierces London Porter;
20 Hhds. Sugar;
50 Bags Coffee;
700 Sacks Liverpool Salt.

Richmond, Nov. 30, 1801.

Robert & Allan Pollok & Co.

Are now receiving by the late arrivals from London, Liverpool, & Glasgow,

A GENERAL ASSORTMENT OF

DRY GOOD,

SUITED to the present and approaching Season, which they offer FOR SALE on moderate terms.

BUCHANAN & POLLOK,
Of Petersburg, and
ROBERT POLLOK & Co.
Of Manchester,

Are also now opening their Supplies of

FALL AND WINTER GOODS

Richmond, October 8, 1801.

Fresh Garden Seeds,

Of the last year's growth, for SALE at

William Crosier's Store,

Which he will warrant to be of the best Qualities:

EARLY six week Peas.
Early golden Hotspur do.
Dwarf Marrowfatt do.
Large glory of England do.
Cauliflower Seed.
Cauliflower Broculi
Early York Cabbages.
Early sugar Loaf do
Early Batterica do.
Large white winter do.
Green curled Savoy do.
Dwarf Madeira do.
Red Cabbage do.
Hardy green or the Russia Cabbage.
Early cabbage Lettuce.
Green Cos or Ice Lettuce.
Grand admiral do.
Curled Imperial do.
Brown Dutch do.
Curled Imperial Indive do.
Early short topt Raddish.
Salmon Raddish.
Black winter turnip Raddish.
Carrot,
Red Beet,
Large Parsnips,
Onions,
London Leak,
Salcefix,
Scorzonnera,
Early Dutch Turnips,
Asparagus,
Solid Celery,
Double curled parsley.
Garden Cresses,
Broad leaf Sorrel,
Cantaloupe Melons,
White Mustard,
Pepper Grass,
Lucern & rye grass Seed.

Richmond, January 5, 1802. 4w.

Dissolution of Partnership.

THE public are hereby notified, that the Partnership in Trade, formerly carried on by David Buchanan, James Dunlop, and Robert Pollok, under the firms of

BUCHANAN, DUNLOP, & Co.
In Petersburg,
DUNLOP, POLLOK, & Co.
In Manchester, and
ROBERT POLLOK, & Co.
In Richmond,

Was dissolved, on the 31st day of August last.

Mr. James Dunlop will pay and receive all debts due by and to the concern, at Petersburg, as will Mr. Robert Pollok, those at Richmond and Manchester.

David Buchanan,
per his Attorney in fact,
Robert Pollok.
James Dunlop.
Robert Pollok.

Petersburg, 8th Oct. 1801.

SEEDS.

Minton Collins,

Respectfully informs his friends and the public, that he has lately received, from the Northern States, a very general assortment of

GRASS SEEDS

And from London, via New-York, a fresh assortment of

GARDEN SEEDS,

Which may be had at his SEED STORE, for CASH only, viz.

Red & White Clover,

Trefoile or yellow ditto,
Lucern & Timothy seed,
Burnet & Ryegrass ditto,
Bluegrass, Burden's grass, & Saintfoine,
Furz or Whin seed,
Spring Tares, or Vetches,
Hemp, Flax, Rape, Mustard, Canary, and Spinage,
Large Norfolk and Summer Turnips,
Early salmon, short-top and white Turnip Raddish seed,
Early Frame, Hotspur, Charlton, Marrowfat, Spanish Morotto, & Prolific Peas,
Large Windsor, long pod and Massagan Beans,
Blood red Beet, and Solid Celery.
Early York, Sugar Loaf, and Battersea Cabbage seed,
Green and Yellow Savoy do.
Large Winter, Scotch, Dutch & Madeira Cabbage,
Red Dutch to pickle,
Brussels Sprouts and Borecole,
Early and late Cauliflower,
Green, purple and white Brocolie,
Salsafie & Nasturtium,
White and green Cos Lettuce,
Indive Ice Lettuce,
Roman, Cabbage, Brown Dutch, & Grand Admiral Lettuce,
Corn Sallad,
Early Frame & long green Cucumber,
Madeira, Silver skin, Red and Welsh Onion,
Red & Orange Cariot,
Large Parsnip,
White and Green Asparagus,
Garden Cress, and Peppergrass,

With an assortment of Flower Seeds; Glass Flower Bottles; some Painted Flower Pots, and Beachers for Chimney Ornaments, and Red Garden Pots, &c.

A TREATISE on GARDENING, by a Native of this State.

Richmond, Dec. 31, 1801. (tf

FAIRFAX COUNTY, *sc.*

THIS DAY was committed to the Jail of said county, a negro man named GEORGE; [illegible] years of age, middling stout made, [illegible] clothes so much worn as not to be [illegible]; he says he is the property of [illegible] Pope, of Prince George county, Maryland.—The owner is desired to come, prove his property, pay charges, and take him away, otherwise he will be dealt with as the law directs.

W. Millan, D. S. & Jailor.

December 10th, 1801. 8tf

WANTED,

A GOOD, STEADY, SOBER

HOUSE SERVANT,

OF honest principles, and fair character. Any person having one of the above description to part with on reasonable terms, may hear of a purchaser by applying to Mr. Davis, at his Office in Richmond.

December 28th, 1801.

The Subscriber, having taken the

Raleigh Tavern,

IN the City of Williamsburg, under his own management; and having laid in a large supply of the best wines and other LIQUORS, is encouraged to suppose, from his former success in this line of business, that he shall be able to give complete satisfaction to travellers and others, who shall resort to his house for entertainment. He also with pleasure informs the public, that owing to the fall which has taken place in the price of most of the productions of the country, he is enabled to reduce the Stage Rates to what they formerly were. Baggage carried as usual, at the risque of the owner.

Philip Moody.

Williamsburg, Dec. 24, 1801.

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30 *Dollars Reward.*

RUN-AWAY, the first of March last, from Mr. Bates of Amherst county, a negro man named BILLY; he is about 20 years of age, five feet ten inches high, of a tawney complexion, and as well as I recollect, has a scar on the left side of his forehead. BILLY, was purchased of Mr. William Fenwick of Richmond. As his mother lives in Petersburg, it is supposed he is lurking about Richmond or Petersburg. BILLY is now the property of Thomas Bibb of Amherst. The above reward will be paid to any person who apprehends and delivers the said negro to Mr. Cugneau, in Amherst, and all reasonable expences paid.

THOMAS BIBB.

September 17th, 1801. [tf]

FOR SALE,

Forty & Fifty

NEGROES,

CONSISTING of Men, Women, Boys and Girls; they will be sold altogether or in families, though the former will be preferred.

Also for Sale,

2 Tracts of Land

of 1000 acres each,

In the North-Western Territory, on the waters of Paint Creek, and one other tract, containing 1688 2-3 acres, and situated on Cumberland River, just above the mouth of Little River, in the State of Kentucky. For terms apply to the subscriber.

N. Burwell.

King William County, Dec. 26, 1801. } 12w4w.

The SUBSCRIBER,

Begs leave to inform the public, and his friends, that he has taken

The TAVERN,

FORMERLY occupied by Col. Parke Goodall, in the City of Richmond; and he flatters himself from his knowledge of the business and his strict attention, to render general satisfaction. His house shall always be supplied with the best materials for that purpose, having a plenty of good servants, and an excellent hostler; his Stables will be supplied with plenty of Forage and Litter.

He wishes to take a few

BOARDERS,

at the customary price; and has also made preparations for the accommodation of

FIFTEEN or TWENTY

Members of the Assembly,

who shall be strictly attended to, by

Peter Wilkinson.

Richmond, Dec. 1st, 1801.

FALL GOODS.

Samuel P. Braddick,

HAS Just Received by the Ottawa, from London,

A LARGE AND HANDSOME

SUPPLY,

WHICH he will dispose of low, for Cash or Country Produce, or Acceptances in Town.

Optical Diagonal Machines with the Books of Prints; Pictures in Gilt Frames; Fowling Pieces; Pocket Pistols with Spring Bayonets; Reive's Water Colors and Pencils; Lift Shoes and Boots with Soles; Patent Lambs-wool Drawers; Shirts and Dressing Gowns; Gentlemens' travelling Caps; Hardham's No. 9, Snuff.

Richmond, October 2d, 1801. [4mbs

FOR SALE,

THE ENGLISH HORSE,

HAMILTON,

[Late the Bay Colt,]

EIGHT years old last May. He is in good order, and may be seen at my Stable, at Mont Comfort, one mile from the Capitol. For terms apply at my Office, in this city.

Thomas Wilson.

Richmond, Dec. 8, 1801.

PEDIGREE,

January 31st, 1797.

"THIS IS TO CERTIFY that THE "BAY COLT was got by High Flyer, "dam by Eclipse, from Young Cade, "which was the dam of Vauxhall."

(Signed) "GROSVENOR."

"N. B. The Cade mare, the dam of "Vauxhall, was also the dam of Dulcinea, Mambrino, and Sancho, all first "runners."

BY virtue of a Mortgage from *Drewry Gregory*, dec. to me, will be sold, at public auction, for ready money, on Tuesday the second day of February, upon the premises, a TRACT OF LAND, containing three hundred and thirty-three acres, more or less, lying upon Pamunkey river, in New-Kent county, whereon Mr. P. Pearnet now lives. For me to give a description of the place, is considered useless, as I suppose whoever means to purchase, will view the land before the day of sale: I shall only say it is a handsome seat, and very convenient to trade, with tolerable good houses upon it, and is considered as good a stand for a merchant as any country seat in the lower parts of this state. Should the day appointed for the sale above, prove a very bad one, it will be sold the next day, or the very first tolerable good one that happens after.

JAS. GATEWOOD.

January 31, 1802. 3w.